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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00381 HG
)	
Plaintiff,)	ORDER REVOKING DEFENDANT'S BAIL
)	AND DETAINING HIM PENDING
vs.)	SENTENCING; CERTIFICATE OF
)	SERVICE
MICHAEL LEE HOPKINS,)	
)	
Defendant.)	
_____)	

ORDER REVOKING DEFENDANT'S BAIL
AND DETAINING HIM PENDING SENTENCING

On February 23, 2006, the Court held an Order to Show Cause as to whether the defendant's bail should be revoked because of four violations of his conditions of release. Marshall Silverberg, Assistant United States Attorney, appeared on behalf of the United States; Donna Gray, Assistant Federal Public Defender, appeared on behalf of Hopkins. U.S. Pretrial Services Officer David Kahunahana also was present.

The Order to Show Cause charged the defendant with four violations: (a) Changing his residence without prior approval of

Pretrial Services, on or before January 26, 2006, in violation of Special Condition No. 1; (b) Changing his residence without prior approval of Pretrial Services, on or before February 8, 2006, in violation of Special Condition No. 1; (c) Using methamphetamine on or around January 27, 2006, in violation of Special Condition No. 5; and (d) Using methamphetamine on or before February 17, 2006, in violation of Special Condition No. 5.

At the hearing the defendant admitted all four violations. His explanation was that he is addicted to crystal methamphetamine and he relapsed on those two occasions.

The Court finds that the violations are serious and that there is a pattern to those violations. Because the defendant already has pleaded guilty to the pending indictment, the burden is on him to prove that he is not a flight risk or a danger to the community. See 18 U.S.C. § 3143. And because he used methamphetamine on two occasions in violation of federal and state law, there is a rebuttable presumption that there are no conditions or combination of conditions that will assure that the defendant will not pose a danger to the safety of the community. See 18 U.S.C. § 3148(b). The defendant has not provided any evidence to the Court to rebut that presumption.

Therefore, the Court finds, pursuant to 18 U.S.C. § 3148, that there is probable cause to believe that the defendant has committed federal and state crimes by using methamphetamine

while released on bail and, based upon the factors set forth in 18 U.S.C. § 3142(g), there are no conditions or combination of conditions of release which will reasonably assure that the defendant will not flee or pose a danger to the safety of the community. The defendant's bail is hereby revoked.

IT IS FURTHER ORDERED that the defendant be detained without bail pending sentencing. Pursuant to 18 U.S.C. § 3142(i), it is further ordered that:

1. The defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel; and

3. Upon order of this Court or on the request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of appearances in connection with court proceedings herein.

DATED: February 24, 2006, at Honolulu, Hawaii.




Kevin S.C. Chang
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the below-named individuals at the address indicated by hand-delivery:

Donna Gray
Assistant Federal Public Defender
300 Ala Moana Boulevard, Room 7-104
Honolulu, Hawaii 96850

Attorney for Defendant
MICHAEL LEE HOPKINS

Ellie Asasaki
Senior U.S. Probation Officer
Honolulu, Hawaii

DATED: February 24, 2006, at Honolulu, Hawaii.

/s/ Cheri Abing

United States vs. MICHAEL LEE HOPKINS, Cr. No. 04-0631 HG
"ORDER REVOKING DEFENDANT'S BAIL AND DETAINING HIM PENDING
SENTENCING"